



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,071	02/03/2006	Stephen Morris	GRIP:108US	9501
24041 7590 07/09/2008 SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406				
EXAMINER				
JACOB, AJITH				
ART UNIT		PAPER NUMBER		
2161				
MAIL DATE		DELIVERY MODE		
07/09/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/567,071

**Applicant(s)**

MORRIS, STEPHEN

**Examiner**

AJITH JACOB

**Art Unit**

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Ashida et al. (US 2002/0091908 A1).

For claim 1, Ashida et al. teaches:

A method for processing data for a system model including the steps of providing a model specification having a plurality of types of items including at least one first item type wherein first associated data is obtained from data input into the system [customer data, 0005] and at least one second item type wherein second associated data [speculation data list, 0005] is obtained from an operation performed on first data associated with at least one third item type stored in a first database [data definition information, 0005], inputting second data into the system [input speculated data into list, 0022], automatically searching the input data for said at least one first item type[[s]] [extraction based on characteristic information, 0023], automatically storing said data associated with said at least one first item type[[s]] in the first database [loads and generates multi-dimensional database, 0023], automatically reading a second item type from the at least one second item types in a determining step including

Art Unit: 2166

determining whether the first database includes a prerequisite item necessary to determine the second item type by obtaining third associated data from an operation performed on third data associated with at least one third item stored in the first data base [data definition information in the multi-dimensional database used to generate output data, once characteristics are met, 0023], automatically storing the second item type in the first database if the prerequisite item is present [generation of speculation models, 0036], for each remaining second item type in the at least one second item type, performing the steps of automatically reading and automatically storing said each remaining second item type in the first database if the prerequisite item is present and automatically outputting an indication that the system model can be produced if items of the model specification are stored into the first database [predetermined number of speculation models generated after determination by speculation unit, storing the speculation models and outputting them, 0036].

For claim 2, Ashida et al. teaches:

The method as claimed in claim 1 wherein each said second item type is read successively [speculation model selects one record at a time, 0034 and Figure 11].

For claim 3, Ashida et al. teaches:

The method as claimed in claim 1 including at least two items of the second type [speculation data lists, 0021].

For claim 4, Ashida et al. teaches:

The method as claimed in claim[[s]] 1 [[to 3]] further comprising:

Art Unit: 2166

incorporating an iterative process of reading said second item types not stored in the first database whenever [[a]] said second item type is stored in the first database [store speculation data before user read, 0036].

For claim 8, Ashida et al. teaches:

The method as claimed in claim 1 wherein said plurality of types of items further comprises predetermined items; and, said method further comprising: the system producing an output indication if said predetermined items are stored in the first database [column data indicator, 0023].

For claim 15, Ashida et al. teaches:

The method as claimed in claim 1 wherein the second item types have corresponding item determinants [set of rules for second item, 0024].

For claim 16, Ashida et al. teaches:

The method as claimed in claim 1 wherein said plurality of types of items further comprises non-input items and the second item types are said non-input items [customer data and speculation model non-inputted, 0021].

For claim 17, Ashida et al. teaches:

The method as claimed in claim 14 further comprising. the step of adding a second item type from said at least one second item type to the first database if the associated item determinant evaluates to true [generation of speculation results when rules in model hold true, 0036].

For claim 18, Ashida et al. teaches:

The method as claimed in claim 17 wherein said plurality of types of items includes fourth items [user selection of segment as fourth item, 0035]; and, the

Art Unit: 2166

method including further comprising the step of providing a consolidated storage array for storing said fourth items and for evaluating said item determinants [multi-dimensional database for storage, 0022].

For claim 19, Ashida et al. teaches:

The method as claimed in claim 18 further comprising the step of evaluating the item determinant for each said second item type not stored in the first database [evaluation of all item determinant data, even the ones to not be stored, 0036].

For claim 20, Ashida et al. teaches:

The method as claimed in claim 19 further comprising the step of storing in the first database each said second item type for which the item determinant is true [storing the speculation data for determinant items that held true, 0036].

For claim 21, Ashida et al. teaches:

The method as claimed in claim 20 further comprising the step of storing said second item types in a second database if their associated prerequisite items for said second item types are not located in the first database [multi-dimensional database generated based on conditions, 0022].

For claim 22, Ashida et al. teaches:

The method as claimed in claim 21 further comprising the step of repeating the evaluating step for any said second item type in the second database [evaluation for dimensioning, 0022].

For claim 23, Ashida et al. teaches:

The method as claimed in claim 22 further comprising the step of

Art Unit: 2166

repeating the storage step for each said second item type stored in the second database [one record at a time repeated, 0034].

For claim 24, Ashida et al. teaches:

The method as claimed in claim 23 wherein the evaluating and storing steps are repeated until the storage step results in no additional said second item types

being added to the first database [each record selected from customer list, 0034].

For claim 25, Ashida et al. teaches:

The method as claimed in claim 23 further comprising repeating the evaluating and storing steps until all said evaluated item determinants are false [user selected conditions for evaluation, 0022].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashida et al. as set forth above against claim 1 above, and in view of Mehr et al. (US 6,438,547 B1).

As per claim 1, Ashida et al. teaches the input of first item [customer data, 0005], creation and storage of second item [speculation data list, 0005] produced from operation performed between first item and stored third item database [data definition information, 0005] and outputting indication of first item model

Art Unit: 2166

production [predetermined number of speculation models generated after determination by speculation unit, 0036], characteristic rules [0005, claim 6], multi-dimensional database for storage [0022, claim 12] determining a step of true if prerequisite satisfied [0024, claim 13] and data definition information inputted [0021, claim 14], but does not teach the sorting of data item [claim 5 and 7], storing second type based on prerequisites [claim 9], searching database [claim 10] and Boolean operation [claim 11].

Mehr et al. teaches the sorting of data items [column 12, lines 55-67 – column 13, 1-7], storing manipulated data in database, column 5, lines 11-30], searching database for manipulated data [column 6, lines 57-67 – column 7, lines 1-2] and Boolean values from calculations [column 13, lines 29-46].

Ashida et al. (US 2002/0091908 A1) and Mehr et al. (US 6,438,547 B1) are analogous art because they are from the same field of endeavor of database management.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify processing of data described by Ashida et al. and add storing, searching and Boolean operation as taught by Mehr et al.

The motivation for doing so would be to easily manage information related to products [column 1, lines 16-30].

Therefore, it would have been obvious to combine Ashida et al. (US 2002/0091908 A1) with Mehr et al. (US 6,438,547 B1) for providing more options for the speculated data.



Art Unit: 2166

5. Claims 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashida et al. as set forth above against claim 1 above, and in view of Helgeson et al. (US 2002/0049749 A1).

As per claim 1, Ashida et al. teaches the input of first item [customer data, 0005], creation and storage of second item [speculation data list, 0005] produced from operation performed between first item and stored third item database [data definition information, 0005] and outputting indication of first item model production [predetermined number of speculation models generated after determination by speculation unit, 0036], conditional formulas for storing in database [0027, claim 30] and comparing all first and second items [0027, claim 31] but does not teach an array of instances, storing and retrieving second item and management of second item in database.

Helgeson et al. teaches an array for instances [0419], second database for storing and retrieving of second item [0017] and removal and management of item based on relationship [0366].

Ashida et al. (US 2002/0091908 A1) and Helgeson et al. (US 2002/0049749 A1) are analogous art because they are from the same field of endeavor of database management.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify processing of data described by Ashida et al. and add storing and retrieval and removal based on relationships as taught by Helgeson et al.

The motivation for doing so would be to house applications in diverse locations [0009].

Therefore, it would have been obvious to combine Ashida et al. (US 2002/0091908 A1) with Helgeson et al. (US 2002/0049749 A1) for providing more options for the speculated data.

### ***Response to Arguments***

6. Applicant's arguments filed March 10, 2008 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's argument.

Applicant argues that Ashida et al. (US 2002/0091908 A1) does not teach storage operations for results generated by the processes, regarding storage steps with respect to information. Reference clearly teaches the storage of speculation model information [0036]. Applicant also states that Ashida et al. does not teach automatic iterative storage process. Ashida et al. clearly teaches a unit to generate the model from the user data and a processing unit to output the result, which in turn teaches automation [0036].

In light of the forgoing arguments, the 35 U.S.C. 102 and 103 rejections are hereby sustained.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

Art Unit: 2166

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajith Jacob whose telephone number is 571-270-1763. The examiner can normally be reached on M-F 7:30-5:00 EST, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2166

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

7/3/2008

AJ  
Patent Examiner

/Khanh B. Pham/

Primary Examiner, Art Unit 2166